

Application No. 052229-0012

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

O'Regan et al.

Application No.: 10/534,206

Confirmation No.:

Int. Filing Date: 06 November 2003

Examiner: n/a

Art Unit: n/a

For: SYSTEM FOR BILLING RATING AND
SELECTION OF ACCOUNTS

Mail Stop PCT

Commissioner For Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Attention: Office of PCT Legal Administration

SECOND RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)

Dear Sir:

This is in response to Decision on the Petition under 37 C.F.R. 1.47(a) filed on 26 January 2007. In the Decision mailed 5 March 2007, the petition was dismissed without prejudice. Applicants, Michael O'Regan and Ian Deakin respectfully request reconsideration of this Petition, and submit that all of the requirements under 37 C.F.R. 1.47(a) are now fulfilled through the submission of this Second Renewed Petition. The due date for response to this Decision is 5 May 2007; therefore this Renewed Petition is timely filed. The last known address of Mr. Mullins, and the petition fee, were previously submitted.

The following information is being submitted to support the assertion that Mr. Mullins was presented with a complete copy of the present application, U.S. Serial No. 10/534,206, the U.S. national phase from PCT/IE03/00150. Further, the additional materials show that Mr. Mullins received the Declaration for signature, but as of the filing of this Renewed Petition, has not returned a copy of the executed Declaration, and refuses to sign the Declaration. Therefore, it is clear that after a diligent effort and *bona fide* attempt, inventor Robert Mullins refuses to execute the Declaration for this application. The following information supporting this assertion is enclosed:

1. A letter from Michael Lucey of Tomkins & Co., European patent counsel, to Robert Mullins dated 18 April 2007, enclosing another complete copy of the subject patent application as filed in the USPTO, as well as another copy of the Declaration.

2. Delivery record from DHL, evidencing delivery and receipt of the 18 April 2007 letter to Mr. Mullins.

3. A letter from Michael Lucey of Tomkins & Co., attesting to the fact that Mr. Mullins received and will not sign the Declaration. In the letter, Mr. Lucey confirms sending the 18 April 2007 letter to Mr. Mullins by DHL courier, including with the letter the full application and Declaration. Mr. Lucey further details a telephone conversation with Mr. Mullins on 1 May 2007, in which Mr. Mullins confirms he is unwilling to sign the Declaration.

4. As of the date of this Second Renewed Petition, Mr. Mullins has not returned a signed Declaration.


Appln. No. 10/534,206
Attorney Docket No. 052229-0012
Renewed Petition Under 37 C.F.R. § 1.47(a)

Applicants Michael O'Regan and Ian Deakin respectfully submit that all the requirements under 37 C.F.R. 1.47(a) are met, and respectfully request this Second Renewed Petition be granted. Please contact the undersigned attorney with any questions concerning this Petition. Please charge any additional fees or credit any overpayments associated with this Petition to our Deposit Account No. 13-0206.

Respectfully submitted,

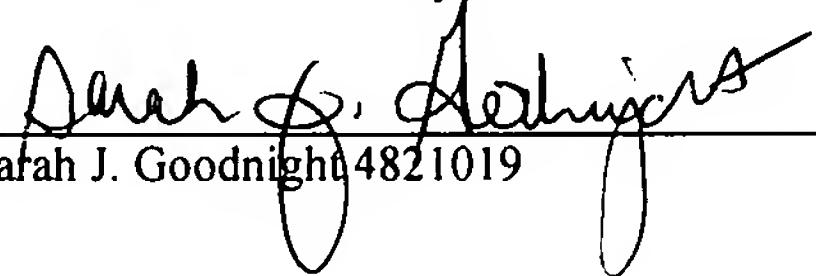
Dated: May 2, 2007

By:


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CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service, with first class postage prepaid, in an envelope addressed to: Mail Stop PCT, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 2, 2007.


Sarah J. Goodnight 4821019



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BY DHL COURIER

Your reference

Our reference

Date

PO650US/ML/LOC

18 April 2007

Dear Robert,

Re: US Patent Application No. 10/534,206
Nationalised From PCT Patent Application Number PCT/IE03/00150
"System for Billing, Rating and Selection of Accounts"
In the name of O'Regan *et al*

I refer to the above US Patent Application and my last letter of 21 November 2006.

I enclose another fresh copy of the Declaration for you to review and for you to reconsider executing and request that you return the executed document to us. Please sign and date the Declaration where indicated. I also enclose another copy of the complete application papers as filed at the USPTO on May 5 2005 for the above identified US application, i.e. copy of the Transmittal Letter, copy of the preliminary amendment to the claims and a copy of the description, claims and abstract.

The Assignment document executed by you, which you have a copy of in your possession, effectively assigns your rights of the application to CMG IPR Telecommunications B.V.

Failure to execute the enclosed Declaration could have serious consequences by virtue of Clauses 2 and 3 of the Assignment, in our opinion, as the assignment document legally obliges you under Irish Law to execute any further documents related to the Patent Application.

If you have any queries, please do not hesitate to contact me by telephone – direct line 012026718 or by e-mail at mlucey@tomkins.com.

We look forward to hearing from you as a matter of urgency, preferably within the next two weeks.

Yours sincerely,

Michael Lucey
Tomkins & Co.
Encls.

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These are the results of your query

Times given are local to the service area in which the shipment checkpoint is recorded

Airwaybill Number	Origin Service Area	Destination Service Area	Status
<u>1762967021</u>	<u>Dublin - Ireland, Republic of</u>	<u>Shannon - Ireland, Republic of</u>	Signed for by: T BOLGER Shipment delivered April 24, 2007 12:31

1762967021 - Detailed Report

Date	Time	Location Service Area	Checkpoint Details
April 18, 2007	11:43	Dublin - Ireland, Republic of	Shipment picked up
April 18, 2007	16:54	Dublin - Ireland, Republic of	Departing origin
April 18, 2007	18:45	Dublin - Ireland, Republic of	Departed from DHL facility in Dublin - Ireland, Republic of
April 19, 2007	05:27	Dublin - Ireland, Republic of	Departed from DHL facility in Dublin - Ireland, Republic of
April 19, 2007	14:04	Shannon - Ireland, Republic of	With delivery courier
April 20, 2007	08:57	Shannon - Ireland, Republic of	With delivery courier
April 20, 2007	18:30	Shannon - Ireland, Republic of	Scheduled for delivery
April 23, 2007	08:24	Shannon - Ireland, Republic of	With delivery courier
April 23, 2007	14:32	Shannon - Ireland, Republic of	Scheduled for delivery
April 24, 2007	08:21	Shannon - Ireland, Republic of	With delivery courier
April 24, 2007	12:31	Shannon - Ireland, Republic of	Shipment delivered



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United States Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450
United States of America
Attention: Mr. George Dombroske - PCT Legal Examiner

Your reference

Our reference

Date

PO650US/ML/LOC

2 May, 2007

Dear Sirs,

Re: US Patent Application No. 10/534,206
Nationalised from PCT Patent Application No. PCT/IE03/00150
"System for Billing, Rating and Selection of Accounts"
In the name of O'Regan et al

I, Michael Lucey, confirm that I am the European Patent Attorney and have acted in connection with the above PCT patent application on behalf of our client.

I confirm that the specification mentioned in my letter of 21 November 2006 contained the application papers as filed at the USPTO.

In addition I confirm that on the 18 April 2007 I sent a further letter containing the application papers as filed at the USPTO to the Inventor Mr. Robert Mullins by DHL courier. I enclose a statement confirming the shipment was delivered on April 24 2007 as evidence.

In a telephone discussion on 1 May 2007 Mr. Robert Mullins informed me that he was unwilling to execute the declaration unless he received a €5,000 payment in return. This position re-affirms the stance Mr. Mullins had taken in email correspondence with Jo Wall in late 2005.

At all times I believe I have made all possible diligent efforts to obtain the declaration from Mr. Robert Mullins.

Yours faithfully,

Michael Lucey

European Patent Attorney

Tomkins & Co.

Enc.

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Financial Controller: David Gardiner BSc FCA • *European Patent Attorney/Chartered Patent Attorney • RTMA • Community Trade Mark Attorney

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